

Application Serial No. 10/083,810
Reply to Final Office Action dated March 4, 2004

REMARKS/ARGUMENTS

The preceding amendments and following remarks are submitted in response to the final Office Action mailed March 4, 2004, setting a three-month shortened statutory period for response ending June 4, 2004. With this Amendment, claims 4 and 18 have been cancelled, and claims 1, 3, 10-11, and 17 have been amended. Reconsideration, examination and allowance of all pending claims are respectfully requested.

On page 2 of the Office Action, the Examiner rejected claims 1-3, 6 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Cathcart et al.* (U.S. Patent No. 6,165,179) in view of *Pinchuk et al.* (U.S. Patent No. 6,254,633). On pages 3-4 of the Office Action, the Examiner further rejected claims 4, 7, 10-11 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over *Cathcart et al.* (U.S. Patent No. 6,165,179) in view of *Pinchuk et al.* (U.S. Patent No. 6,254,633) as applied to claims 1-3 and 6 above, and further in view of either *Cassell et al.* (U.S. Patent No. 5,827,324) or *Tsugita et al.* (U.S. Patent No. 5,911,734).

Applicants have amended that claim to now recite:

1. (Currently Amended) A filter system, comprising:
 - a wire having a proximal end and a distal end;
 - a filter for collecting debris from a body lumen, said filter being disposed proximal of the distal end of said wire;
 - an outer shaft having a proximal end, a distal end, and a distal sheath extending distally thereof;
 - a dilator tip slidably disposed in the distal sheath and movable between a distally advanced position located at least in part beyond the distal sheath, and a proximally retracted position; and
 - a spring coil adapted to bias the dilator tip in the distally advanced position.

As can be seen above, claim 1 now recites the additional element of a spring coil adapted to bias the dilator tip in the distally advanced position, as previously found in dependent claim 4. Support for this amendment can be found, for example, on page 7, lines

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4-5 of the specification and in Figure 1, which disclose a spring coil (30) adapted to bias a dilator tip (28) in a distally advanced position at least in part out of the distal end of a distal sheath (12).

Unlike amended claim 1, Applicants respectfully assert that none of the cited references, either alone or in combination, disclose or suggest a spring coil adapted to bias the dilator tip in a distally advanced position. In *Cassell et al.*, a polymer-encased coil (68) forming a distal portion (50) of a guidewire (44) is used for providing flexibility and resilience to the guidewire (44), and thus does not provide a motivation to combine that which is taught by the *Cathcart et al.* and *Pinchuk et al.* references to arrive at the filter system of claim 1. The *Tsugita et al.* reference, in turn, discloses a coil spring 206 adapted to cause radial expansion of several radially biased struts (203) of a filter guidewire (40), and thus similarly fails to provide a motivation to combine references. Since none of the cited references disclose or suggest a spring coil adapted to bias a dilator tip in a distally advanced position, Applicants respectfully assert that amended claim 1 is patentable over the cited prior art.

Because independent claim 1 is allowable, dependent claims 2-3, 6-7, and 10-11 are also allowable for the reasons stated above, and since they add other significant elements to distinguish them from the prior art.

Turning now to the rejection of independent claim 17, Applicants have amended that claim to now recite a spring coil disposed along a filter wire proximal a dilator tip, said spring coil being adapted to bias the dilator tip toward the distal end of the distal sheath. This element was previously found in dependent claim 18.

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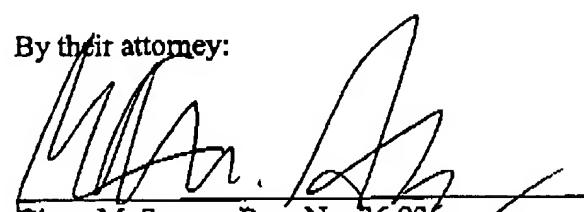
For reasons similar to that stated above, Applicants respectfully assert that it would not have been obvious to modify *Cathcart et al.* in view of *Pinchuk et al.*, and further in view of either *Cassell et al.* or *Tsugita et al.* to arrive at the filter system of claim 17. As discussed above, the *Cassell et al.* and *Tsugita et al.* references merely disclose the use of a spring coil for providing flexibility and resilience to the guidewire, or for causing the radial expansion of several radially biased struts. Since none of the cited references, either alone or in combination, disclose or suggest a spring coil adapted to bias a dilator tip toward the distal end of a distal sheath, Applicants respectfully submit that claim 17 is also patentable over the cited prior art.

In view of the foregoing, all pending claims are believed to be in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner would like to discuss the application or its examination in any way, please call the undersigned attorney at (612) 677-9050.

Respectfully Submitted,

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